

REMARKS/ARGUMENTS

Claims 52-53 have been amended to correct typographical errors. New claims 73-114 are presented. Claims 73-94 are directed to methods for fundraising over a wide-area network that include a virtual plaque(s). Claims 95-100 are directed to on-line, interactive fundraising systems that include a virtual plaque(s). Claims 101-111 are directed to computer program products for carrying out on-line, interactive fundraising over a wide-area network that include a virtual plaque(s).

Claims 112-114 are directed to methods, systems, and computer program products for on-line, interactive fundraising over a wide-area network, wherein a website for a cause, an event, or an organization engaged in fundraising is provided, contributions to be made by a donor via the website are enabled, donors are allowed to specify the content of a public acknowledgement of their contribution, and donations to be publicly acknowledged are displayed in the form of a scrolling virtual plaque.

Support for the new claims can be found throughout the specification and the original claims, and no new matter has been added. Support for the new claims may be found, for example, in Figures 2, 3, 4 and 8, paragraphs [0014] - [0017], [0031], [0036], [0038] - [0045], [0051] - [0059]. Other support is found, for example, in Figures 1 and others, and in paragraphs [0013], [0028] - [0035], [0046] - [0050] and [0060] - [0062].

Claims 1-114 are currently pending in the application. Claims 1, 20, 39, 42, 43, 47, 51, 73, 95, 101, and 112-114 are independent claims.

Background

The invention relates generally to methods, systems, and computer program products for on-line, interactive fundraising over a wide-area network. As indicated at the February 24, 2005

Interview, one method, for example, includes hosting an organization's website, displaying one or more virtual plaque web pages honoring donors, providing one or more donation and payment option web pages (selectable by a donor), and modifying or updating the virtual plaque(s) when a donation is made. As discussed at the Interview, another method includes, for example, providing a website for a cause, an event, or an organization engaged in fundraising, enabling contributions to be made in support of a cause, event or organization by a donor via the website, and displaying one or more virtual plaques on the website that identify one or more donors, wherein the donor is able to specify the content of the virtual plaque.

In another embodiment, the inventions include creating a personalized donation page for the donor. The inventions also permit generation of reports with information, such as all donors and their gifts, total amount raised, number of donors, average amount of donations, deductions for tax purposes, *etc.* In other embodiments, for example, the inventions allow the e-mailing of virtual plaques or links thereto to potential donors.

As indicated during the February 24, 2005 Interview, virtual plaques can be created on a web page to honor and acknowledge a donor or, for example, a loved one. A virtual plaque may include the name of a single donor or the names of a plurality of donors on a web page. A virtual plaque can be created on a web page containing the image of a book, a work of art, or any other object. The inventions also allow the editing and modification of virtual plaques. Virtual plaques can be static or scrolling plaques, for example.

Applicants also noted during the Interview that the virtual plaques included in the instant inventions differ in many important respects to paper documents, certificates, or acknowledgements provided in the past by institutions that wish, for example, to recognize an achievement or a contribution. By way of example:

1. Virtual plaques are more than preprinted documents or certificates;
2. Virtual plaques are more than paper(s) mailed individually, under the cloak of privacy, in sealed envelopes, to individual donors;
3. Virtual plaques can be shown to more than a small group of committed individuals in a private community;
4. Virtual plaques can be provided over the world wide web for viewing and, while charities generally seek to protect donor names, and their privacy, publicly available virtual plaques do not serve that function;
5. Virtual plaques may be in the form of dynamic or scrolling plaques;
6. A virtual plaque may include just the names of the donors, or may include other information; and,
7. The words on a virtual plaque can be, and typically are, chosen by the donor.

Many nonprofit organizations are starting to raise more funds online. According to the June 10, 2004 issue of *The Chronicle of Philanthropy*, online fundraising, as measured by dollars contributed over the Internet, increased by 48 percent in 2003 at 146 organizations that provided figures for 2003 and 2002. Although such growth is promising, growth *per se* is not the primary metric by which online strategies can be formulated and results measured. Rather, the organization should strive to improve its treatment of donors and prospects, thereby forging long-term, high revenue-generating relationships, irrespective of how people choose to give (*i.e.*, through the mail, in-person, by telephone, online, *etc.*).

Many organizations rely on direct mail fundraising as a major source of revenue. The economics of direct mail fundraising (*i.e.*, the cost to produce and send a piece of mail) necessitate an approach focused on solicitation. Through most pieces of mail they send,

nonprofits solicit a contribution. General updates or newsletters invariably contain a “soft ask” to cover production and mailing costs. Even sending acknowledgements frequently has to be internally cost-justified. The primary performance metric for direct mail fundraising is response rate to the current appeal.

In the past, there has been very little meaningful focus on treating a donor or prospective donor like a valued customer. That would entail communicating more than soliciting, learning what is important to constituents, and treating each constituent as an individual. Nonprofits typically reserved such levels of treatment for high value donors and prospects because it is expensive and resource-intensive. Although direct mail fundraisers monitor donor retention rates and aggregate contributions over time, their primary emphasis remains response management.

As noted at the February 24 Interview, the inventions of the instant application have turned old fundraising methods on their head. They have not only demonstrably fueled an increase in on-line donation activity, but have also helped to spread the message regarding, for example, a cause or event, helped to forge better relationships with donors and prospective donors, and substantially increased the response rate and likelihood of contribution from donors and prospects.

None of the prior art cited by the PTO teaches or suggests these inventions, nor such results.

Cited Documents

In support of its rejection of claims, the PTO has cited four documents: U.S. Publication No. 2002/0049816 to Costin, IV *et al.* (“Costin”); U.S. Patent No. 6,460,072 to Arnold *et al.* (“Arnold”); U.S. Publication No. 2002/0004757 to Torres *et al.* (“Torres”); and, U.S. Publication

No. 2002/0004749 to Froseth *et al.* (“Froseth”). As noted at the February 24 Interview, none relate in any meaningful way to the inventions claimed in the instant application.

Costin proposes a system for e-businesses to partner with charitable organizations, employing the concept of “cause marketing” to combine advertising and charitable giving by merging a business activity with one or more causes in order to “attract new customers” and “build brand loyalty” for a business (Costin, Abstract). Thus, a goal is to ensure that a “user is exposed to logos, advertising, content and links” of the host business throughout (Costin, paragraph [0066]). As acknowledged by the PTO, Costin does not disclose honoring donors, via a virtual plaque or otherwise, and in fact teaches the importance of carefully protecting donor information.

Arnold is directed toward a computer method and system for tracking product sales on the Internet. Arnold neither teaches nor suggests a system or method for conducting a fundraising campaign. It is devoid of any teaching or suggestion directed toward any type of fundraising activity, or recognizing donors (or anyone else) via virtual plaque(s).

Torres neither teaches nor suggests a system or method for conducting a fundraising campaign. It is directed toward a system and method for planning a funeral and creating an on-line funeral plan. Torres is devoid of any teaching or suggestion directed toward any type of fundraising activity, or recognizing donors (or anyone else) via virtual plaque(s). It contains no mention of virtual plaques.

Froseth is directed toward a system and computer implemented method for selecting, ordering and distributing customized food products. Froseth contains no teaching or suggestion related to plaques, donors, or any type of fundraising activity.

§ 103 Rejections - Claims 1-6, 8-33 and 35-60

Claims 1-6, 8-33 and 35-60 were rejected under § 103(a) as allegedly obvious over Costin (“cause marketing”) in view of Arnold (“product sales tracking”), and further in view of Torres (“funeral planning”). Applicants respectfully traverse the Examiner's rejections for at least the following reasons.

As stated by Applicants at the Interview, the outstanding Office Action is best understood by noting the unmistakable absence of any disclosure of “plaques” – virtual or otherwise – in any of the four cited documents, Costin, Arnold, Torres, and Froseth. The PTO acknowledges this. See, *e.g.*, December 1, 2004 Office Action, pages 2, 4, 6, 7, and 8.

Consequently, of course, none of Costin, Arnold, Torres, or Froseth discloses any sort of plaque relating to charitable donations.

Additionally, and importantly, none of Costin, Arnold, Torres, or Froseth deals with or contains any instruction about ways to honor or acknowledge people or businesses who give to charity. Indeed, as noted at the Interview, save the now-abandoned Costin patent application, none of the four cited documents relate in any way to charitable giving.

With this understanding it is plain that the Office Action rejections have been built, and could only have been built, from Applicants' own specification. Even with use of this prohibited approach, however, the rejections cannot stand, for at least the following reasons:

1. First, the alleged references cannot be combined in the manner asserted by the PTO;
2. Second, the alleged references do not say what the PTO argues;
3. Third, the alleged references lack any suggestion or motivation whatsoever toward Applicants' invention and, indeed, the primary document relied on by the PTO, Costin, teaches directly away from Applicants' invention, as does the secondary document, Torres; and,

4. Fourth, the alleged references, even if combined, do not yield Applicants' claimed inventions.

As stated at the Interview, for each and all of these reasons the PTO has not established a *prima facie* case under 35 U.S.C. § 103, which is its obligation in making a rejection for alleged obviousness.

At page 2 of the December 1, 2004 Office Action, the PTO correctly acknowledges that Costin does not disclose:

1. Virtual plaques;
2. Honoring donors; or,
3. Updating virtual plaques when a donation is made.

However, referring initially to independent claims 1, 20, 39, 42 and 43, the PTO seeks to remedy these essential deficiencies, alleging:

Arnold discloses "displaying one or more web pages with virtual displays or pages" (citing line 1 of the Abstract, and lines 37-41 and 64-66 of column 7); and,

Torres discloses "honoring people, in this case, loved ones" and "updating web page related information and databases" (citing paragraphs [0003] line 10, [0042] line 6, and [0103] line 2).

Neither Costin, nor the cited portions of Arnold and Torres support the PTO's view.

What Arnold Really Says – Arnold is directed to a computer method and system for tracking product sales on the Internet. Line 1 of the Arnold Abstract, cited by the PTO, simply refers to maintaining and establishing a "virtual outlet."

According to Arnold, a customer visits a web page, referred to as an "virtual outlet," which may show images of various products, with each image having a link to the website where that product is sold. By selecting the image of the product displayed, the customer is directed to the merchant web page to view more information about, or purchase, the product. By

implementing sign-up and purchase mechanisms, the merchant website automatically identifies the outlet from which the customer gained access to the merchant website. The merchant website will then be modified to include a link back to the outlet web page.

Arnold is devoid of any teaching or suggestion directed toward any type of fundraising activity, honoring donors (or anyone else), or plaques. Arnold is solely directed toward purchasing products over the Internet and tracking those purchases.

As noted above, in support of its rejection the PTO states that Arnold discloses, “displaying one or more web pages with virtual displays or pages.” Applicants do not understand the import of the statement that Arnold teaches “displaying” pages with “displays or pages.” In any event, while Applicants grant that Internet web pages may be displayed on computer screens, this is of no significance and Arnold does not support the PTO’s rejection of any of claims 1-6, 8-33 or 35-60.

Everything on the Internet is transmitted electronically to some sort of display where information may be viewed. The fact that Arnold includes the word “virtual” cannot and does not in any way support a conclusion of obviousness. The patent relates, in the words of Arnold, to tracking product purchases over the Internet “from a virtual outlet Web site to a merchant,” allowing “a virtual outlet (‘VO’) owner to sign up to offer a merchant’s products for sale through the VO” (col. 5, lines 34-40). Arnold has nothing to do with “virtual plaques,” or with plaques of any sort.

The other two passages cited by the PTO in alleged support of its rejection, from column 7 of the Arnold patent, read as follows:

Virtual outlets, merchants, and customers need not reside on separate computers, but could reside together on one or more computers, provided that each has an Internet address. They can also be on an intra-net computer. [col. 7, lines 37-41]

(If a return Web page is not identified, the merchant can use a default return Web page for that virtual outlet.) [col. 7, lines 64-66]

Clearly, these statements also have no bearing on the patentability of Applicants' inventions.

With regard to the third cited document (Torres), as noted above, the PTO cites to two portions of that application. Referring to paragraph [0003] line 10, the PTO alleges that Torres discloses "honoring people, in this case, loved ones." Referring to line 6 of paragraph [0042] and line 2 of paragraph [0103] the PTO alleges that Torres discloses "updating web page related information and databases." Applicants respectfully submit that Torres does not in any way support an argument that their inventions do not meet the requirements for patentability.

What Torres Really Says – Paragraph [0003], cited by the PTO, is found in the Background section of the Torres patent application, *i.e.*, in a discussion of prior practices. It reads, in its entirety:

[0003] Upon the death of a family member, surviving loved ones must make a number of decisions in a relatively short time. Too often a bereaved loved one feels pressured and overwhelmed by memorial preparations. Exemplary memorial decisions encompass ceremony preferences, financial arrangements, casket or urn selections, *etc.* Other considerations relate to transportation, floral displays, as well as "personalizing" products and services. For instance, clients routinely customize materials, finishes, corner adornments and interiors of caskets to honor loved ones. Likewise, "memorial items" or keepsakes may be tastefully incorporated into aspects of a memorial service. While such services and personal touches facilitate the healing processes, they often represent difficult choices for bereaved loved ones [emphasis added].

Plainly, paragraph [0003] of Torres has nothing to do with honoring anyone on-line. It simply refers to the purchase of, for example, customized caskets, for a deceased.

Despite the fact that the Torres application is directed to the use of "Internet technology" for planning funerals (see, *e.g.*, paragraph [0009]), nowhere does the Torres application discuss virtual plaques or any other method of publicly "honoring" anyone on-line. According to claim 1 of Torres, their on-line funeral planning method comprises receiving user input seeking pricing

information offered by a funeral service, retrieving the requested pricing information, and “outputting the requested pricing information to the user.” The remaining Torres claims, which include numerous dependent claims, also contain no teaching or suggestion relating to virtual plaques or other methods of honoring donors on-line.

Paragraph [0042], a part of the Detailed Description section of the Torres patent application, reads:

[0042] Still other products and/or services may be grouped into sets for display or educational purposes. For instance, an individual funeral home may maintain such a set for displaying an electronic catalog of products and services particular to the home. As such, the home, as a database user, can update the catalog information stored within the database. Such information may include Internet links or addresses that point to a website hosted by the funeral home [emphasis added].

The fact that Torres refers to the ability of a funeral home to update its “catalog of products and services” has no bearing on the patentability of Applicants inventions.

Likewise, Torres paragraph [0103], which simply states that an on-line funeral plan may be “updated at the convenience of the client,” does not negate patentability, whether taken alone or in combination with the other cited documents. Paragraph [0103] reads:

[0103] All selections may be saved into a personal file at block 64. The file may be completed and updated at the convenience of the client. Funeral plans may be continuously changed, deleted, or even copied by approved family members. At block 66, plans may be printed, posted on websites, or emailed to friends. Electronically-stored photographs or computer generated images relating to prospective plans may be displayed to clients. Stored funeral plans and personal information may be secured using known techniques such as password and encryption technologies [emphases added].

Indeed, this paragraph is only relevant because it supports the patentability of Applicants’ inventions by teaching away from them.

The final sentence of paragraph [0103] counsels that “personal information” of users be “secured using known techniques such as password and encryption technologies.” Torres claims

29 and 58 also refer to “encrypting user data and funeral plan information in conjunction with creating the funeral plan.” In preferred embodiments of the instant inventions, virtual plaques contain “user information” and information related to donations, are not secured by encryption, password protection, or by any other method. Quite the contrary, they are public, and intentionally so.

The principal document relied on by the PTO, Costin, also teaches away from Applicants’ inventions advising, for example, that information regarding “donations” be restricted by security measures. Paragraph [0080], in pertinent part, reads:

Access to certain areas of the web site may be restricted and may require registration, the use of passwords, or other forms of verified entry, for visitors to gain access to that area. For example, one area of the web site may be dedicated to participating sponsors/businesses, wherein such businesses may be permitted to examine tracking of donations, interests, hits, *etc.* related to one or more hosted fundraising campaigns. Also, an interested sponsor/business may be provided with access to information concerning causes of interest to users and use such information in forming a relationship to establish a fundraising campaign [emphases added].

Likewise, Figure 13, a screen shot of a user information page associated with a Costin fundraising campaign – identified in paragraph [0077] as illustrating “the functionality, content, operation and benefits associated with a fundraising campaign method and system described herein” – states that: “All personal information . . . provided remains 100% private” (emphasis added).

An alleged reference that, in reality, teaches away from a claimed invention is a significant factor to be considered in determining obviousness, and MPEP § 2145 directs that an alleged reference that teaches away from an invention must be considered. *See, e.g., In re Dow Chemical Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1532 (Fed. Cir. 1988) (“Evidence that supports, rather than negates, patentability must be fairly considered.”). The MPEP also requires that an alleged prior art reference be considered in its entirety, *i.e.*, as a whole, including portions

that would lead away from a claimed invention. *See, e.g., W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Taking Costin's cause marketing disclosure, Arnold's system for tracking Internet purchase, and Torres' on-line funeral planning, the PTO concludes at page 3 of the December 1, 2004 Office Action, "It would have been obvious to an ordinary practitioner of the art at the time of Applicant's [*sic*] invention to have combined the art of Costin with the art of Arnold, and Torres for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations." No limitations of the pending claims are discussed or addressed in this conclusion about "efficient, content-rich and flexible" methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the combination of Costin, Arnold and Torres.

The legal determination under section 103 is whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. *In re O'Farrell*, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988). The foundational facts for a *prima facie* case of obviousness are: (1) the scope and content of the prior art; (2) the difference between the prior art and the claimed invention; and (3) the level of ordinary skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966); *Miles Lab., Inc. v. Shandon Inc.*, 997 F.2d 870, 877, 27 USPQ2d 1123, 1128 (Fed. Cir. 1993).

The PTO has the burden of showing a *prima facie* case of obviousness. *See, e.g., In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1530 (Fed. Cir. 1993). Thus, an Examiner is under a burden to make out a *prima facie* case of obviousness in a rejection of claims under 35 U.S.C. § 103. The Examiner cannot satisfy this burden by simply dismissing differences between the

claimed invention and the teachings of the prior art as being “obvious,” as has been done here, for example, in making assertions of the supposed “inherent capabilities” of Windows. Rather, an Examiner must present an evidentiary record that supports a legal conclusion of obviousness. It does not matter how strong an Examiner’s convictions may be, or whether he might have an intuitive belief that the claimed invention would have been obvious within the meaning of 35 U.S.C. § 103. Neither circumstance is a substitute for evidence lacking in the record. Just as “[a]n assertion of what seems to follow from common experience is just attorney argument and not the kind of factual evidence that is required to rebut a *prima facie* case of obviousness,” *In re Geisler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997), so it is with an Examiner’s beliefs in regard to establishing a *prima facie* case in the first instance.

Here, the alleged prior art relates to “cause marketing” (Costin), “tracking of product sales” (Arnold), “funeral planning” (Torres), and obtaining “customized food products” (Froseth). More specifically, the scope and content of the alleged prior art consists of (1) Costin’s system for e-businesses to partner with charitable organizations, using “cause marketing” to combine advertising and charitable giving by merging a business activity and a cause in order to “attract new customers” and “build brand loyalty”; (2) Arnold’s computer method and system for tracking product sales on the Internet; (3) Torres’ system and method for planning a funeral and creating an on-line funeral plan; and, (4) Froseth’s system and computer implemented method for selecting, ordering and distributing customized food products. These documents, spanning fields of endeavor far and wide – three of which have nothing whatever to do with fundraising, and none of which relate to publicly honoring or acknowledging donors and their gifts – are not directed to the problem solved by Applicants’ inventions and are not properly combined. One trying to determine how to enable and stimulate on-line giving would not look to

methods for creating funeral plans, tracking Internet sales, or ordering customized foods. The law requires a basis in the art for combining or modifying alleged references, which has not been provided here. Thus, a *prima facie* case of obviousness has not been established.

The law also requires that the PTO present evidence that “a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.” *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998); *see also In re Werner Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“[A] rejection cannot be predicated on the mere identification . . . of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”). Here, no such evidence has been presented and the PTO’s *prima facie* case falls short for this reason as well.

With regard to differences between the alleged prior art and the claimed invention Applicants note, for example, that none of these documents, save Costin, have anything to do with fundraising. As admitted by the PTO, none, including Costin, contain any disclosure of “plaques” – virtual or otherwise. Consequently, none of Costin, Arnold, Torres, or Froseth discloses any sort of plaque relating to charitable donations. Additionally, none deals with or contains any instruction about ways to honor or acknowledge people or businesses who give to charity. None, including Costin, teach or suggest honoring or recognizing donors (or anyone else) via virtual plaque(s). And none teach or suggest updating virtual plaques. Thus, even if these documents were properly combinable, they do not result in the claimed invention. It is the law that all claim limitations must be fully considered, especially when missing from the alleged

prior art or where the alleged prior art does not teach the problem or its source. For these additional reasons, a *prima facie* case of obviousness has not been established.

Additionally, under the law a *prima facie* case of obviousness does not exist where it can be shown “that the art in any material respect taught away” from the claimed invention. *See, e.g., In re Malagari*, 499 F.2d 1297, 1303, 182 USPQ 549, 553 (CCPA 1974). Costin, the primary “reference” cited by the PTO teaches away from Applicants’ inventions, counseling that donor information is secured by encryption, for example, and thus kept from the public eye. Likewise, in contrast to the instant inventions, the Torres application advocates that personal information of users be “secured” using password and encryption technologies. Under Applicants’ inventions personal information of “user’s”, *i.e.*, donors, including their names and the amounts of their contributions, are preferably publicly displayed.

As noted at the February 24, 2005 Interview, for at least the reasons set forth above, *e.g.*, that the cited documents do not say what the PTO argues, that the alleged references cannot be combined in the manner asserted by the PTO, that the alleged references lack any suggestion or motivation whatever toward Applicants’ inventions and, indeed, that two of the documents relied on by the PTO (including the primary document, Costin) in fact teach away from Applicants’ inventions, and that the alleged references, even if combined, do not yield Applicants’ claimed invention, Applicants respectfully request that the rejection of independent claims 1, 20, 39, 42 and 43 be reconsidered and withdrawn.

For at least the above reasons, and as a matter of law, it is equally plain that none of the rejections of the dependent claims, which contain further limitations in addition to those of the independent claims, can stand. Nevertheless, each of these dependent claim rejections is further addressed below.

Dependent Claims 2 and 21 – Pending claims 2 and 21, which depend from independent method and system claims 1 and 20, relate to “e-mailing one or more of the updated virtual plaques to potential donors.”

Remarkably, despite acknowledging at the bottom of page 2 of the Office Action that Costin says nothing about plaques or updated plaques, the PTO writes at the top of page 3: “Costin discloses a method, system and computer program comprising the step of e-mailing one or more of the updated virtual plaques to potential donors” (emphasis added). This is manifestly incorrect. The Costin application contains no form of the word “plaque” or the word “update,” and no suggestion of either, and the citation to the Costin Abstract and paragraphs [0007] and [0010] is inapt.

The PTO’s further statement at page 3 of the Office Action that, “The sending of virtual plaques is obviously included in this teaching per ll. 9-16” (emphasis added), is not understood, has no footing whatever in Costin, and is without any probative value or legal weight. Indeed, the “sending of virtual plaques” is most obviously not included in Costin or the application would have included such a “teaching.” The portion of Costin relied on by the PTO in support of this statement (paragraph [0010], lines 9-16) says nothing about plaques – whether paper, bronze, gold, virtual, or anything else – updated or not updated. It reads:

The email message also typically includes links to the campaign page, where the potential donor may learn about the event and make secure, credit card or other donations or contributions. The email message may also include contact information or links to other sites, such as the e-business/sponsor web site, the cause’s web site, the forwarding donor’s web site or email address, *etc.*

Given the manifest lack of any disclosure or suggestion of e-mailing “updated virtual plaques to potential donors” Applicants respectfully request that the rejection of claims 2 and 21 be reconsidered and withdrawn.

Dependent Claims 3 and 30 – Referring to Applicants’ pending method and system claims 3 and 30 relating to “static” virtual plaques, but without any citation, the PTO goes on to state at page 3 of the Office Action: “Costin disclose [sic] a method, system and computer program wherein one or more of the virtual plaques comprises a static virtual plaque (Inherently capable in an operating system such as Windows [sic])” (emphasis added). Costin says no such thing. It says nothing about plaques, virtual or otherwise.

What Windows is supposedly “inherently capable” of is not clear. Whatever it is, it is irrelevant. The PTO cannot dissect an invention and base an allegation of obviousness on the contention that one piece of it may be capable of being made or accomplished by something in existence. Were that the case, the United States would have no patent system.

A claim often recites a combination of several elements, most or all of which may, in some respect, be separately known. *See Rosemount, Inc. v. Beckman Instruments, Inc.*, 727 F.2d 1540, 1546, 221 USPQ 1, 7 (Fed. Cir. 1984). It is the law that, because virtually all inventions are combinations of old elements, the fact that an invention under consideration may be a combination of known elements is irrelevant to question of obviousness. *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 959 (Fed. Cir. 1986). As Judge Markey rightly remarked long ago in refusing an attack on a patent for alleged obviousness, “Only God works from nothing. Men must work with old elements.” *Fromson v. Advanced Offset Plate, Inc.*, 755 F.2d 1549, 1556 n.3, 225 USPQ 26, 31 n.3 (Fed. Cir. 1985).

Applicants respectfully request that the rejection of claims 3 and 30 be reconsidered and withdrawn.

Dependent Claims 4 and 31 – Without any citation, the PTO further states at page 3 of the December 1, 2004 Office Action, in reference to Applicants’ pending method and system

claims 4 and 31 that relate to “scrolling” virtual plaques: “Costin disclose [*sic*] a method, system and computer program wherein one or more of the virtual plaques comprises a scrolling virtual plaque (Inherently capable in an operating system such as Windows)” (emphasis added).

Costin contains no such disclosure. There is no disclosure of plaques, let alone scrolling plaques, in Costin or any other document cited by the PTO. Furthermore, what Windows is supposedly “inherently capable” of is not clear and, again, for reasons stated above, is irrelevant to an assessment of nonobviousness.

Applicants respectfully request that the rejection of claims 4 and 31 be reconsidered and withdrawn.

Dependent Claims 5 and 22 – Pending method and system claims 5 and 22 recite that the “wide-area network” of independent claims 1 and 20, respectively, is the Internet. The PTO rejects these claims, citing lines 12-14 of paragraph [0008] of Costin for the proposition that it “discloses a method, system and computer program wherein the wide-area network is the Internet.” The fact that others have discussed methods to be carried out over the Internet does not support the rejection of these claims, which incorporate the limitations of the claims from which they depend. For this reason, and those discussed above with regard to independent claims 1 and 20, Applicants respectfully request that the rejection of claims 5 and 22 be reconsidered and withdrawn.

Dependent Claims 6 and 29 – Pending method and system claims 6 and 29 relate to editing and/or modifying one or more virtual plaques and/or updated virtual plaques. The PTO rejects these claims on the assertion that Costin discloses, “a method, system and computer program further comprising the step of editing and/or modifying one or more of virtual plaques and/or updated virtual plaques (Modifying is an inherent capability available in an operating

system such as Windows)” (emphasis added). As noted above, Costin contains no such disclosure. There is no disclosure of plaques, let alone editing and/or modifying plaques or updated plaques, in Costin or any other document cited by the PTO. Applicants dispute that “modifying” a plaque is a feature of Windows. In any event, whether “modifying” is or is not an “inherent capability” of Windows is irrelevant to an assessment of nonobviousness.

Applicants respectfully request that the rejection of claims 6 and 29 be reconsidered and withdrawn.

Dependent Claims 8 and 32 – Pending method and system claims 8 and 32 refer to creation of a “personalized donation page for a donor.” The PTO rejected these claims as well, citing line 3 of paragraph [0010] of Costin for the proposition that it “discloses a method, system and computer program comprising the step of creating a personalized donation page for a donor.” The statement in Costin referencing a “personalized campaign page” does not support the rejection of these claims, which reference a personalized donation page and incorporate the limitations of the claims from which they depend, including virtual plaques, *etc.* For this and other reasons discussed above, Applicants respectfully request that the rejection of claims 8 and 32 be reconsidered and withdrawn.

Dependent Claims 9 and 41 – Pending method and system claims 9 and 41 relate, respectively, to “e-mailing a report to a donor” and “means for creating e-mail messages acknowledging a donor.” The PTO also rejected these claims, citing paragraph [0010] of Costin and alleging that it “discloses a method, system and computer program comprising the step of e-mailing a report to a donor.” It does not. Paragraph [0010] of Costin refers to enabling “customers/employees/donors” to send “e-mails to anyone they choose, including friends, family and colleagues.” It does not refer to “e-mail messages acknowledging a donor” and does not

support the rejection of these claims, which also incorporate the limitations of the claims from which they depend, including virtual plaques, *etc.*

For this and other reasons discussed above, Applicants respectfully request that the rejection of claims 9 and 41 be reconsidered and withdrawn.

Dependent Claims 10 and 23 – Pending method and system claims 10 and 23 relate, respectively, to “providing promotional information about the organization and the fundraising cause on the website” and “including information about the organization on the website.” The PTO rejects these claims, citing lines 10-11 of paragraph [0008] and lines 5-9 of paragraph [0009] of Costin for the proposition that it “discloses a method, system and computer program comprising the step of providing promotional information about the organization and the fundraising cause on the website.”

In reality, lines 10-11 of paragraph [0008] state that “a promotional banner” for a campaign may be placed on an “e-business home page” after a relationship is established “among the benefactor sponsor and the beneficiary organization.” The statement in Costin referencing a “promotional banner” thus does not support the rejection of these claims.

Applicants’ claims 10 and 23 refer to providing promotional information about a fundraising organization on the organization’s website, not on a business sponsor’s website. Additionally, the cited passage does not address the limitations of the claims from which claims 10 and 23 depend, including virtual plaques, *etc.* For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 10 and 23 be reconsidered and withdrawn.

Dependent Claims 11 and 24 – Pending method and system claims 11 and 24 relate to “including information” about the donor and/or the donor’s contribution on one or more of the virtual plaques and/or the updated virtual plaques.

The PTO rejected claims 11 and 24, citing paragraph [0010] of Costin and alleging that it “discloses a method, system and computer program comprising the step of including information about the donor and the contribution on a personalized campaign page.” The reference in Costin to a “personalized campaign page” does not support the rejection of these claims, which recite a personalized donation page and incorporate the limitations of the claims from which they depend.

Admitting at page 4 of the Office Action that neither Costin nor Torres provide any teaching regarding “the display of virtual images of any kind, which includes one or more of the virtual plaques and/or the updated virtual plaques,” the PTO asserts that Arnold makes up for this lack. According to the PTO, “Arnold discloses the display of virtual images of any kind” and, says the PTO, such images “include one of more of the virtual plaques and/or the updated virtual plaques.”

In support of these assertions, the PTO cites the same passages from Arnold previously referenced with regard to the rejection of independent claims 1, 20, 39, 42 and 43, namely, line 1 of the Abstract, and lines 37-41 and 64-66 of column 7. As noted above, these citations are inapt and cannot support any rejection of claims. Arnold contains no teaching or suggestion regarding virtual plaques or updated virtual plaques, or plaques of any sort. Additionally, how Arnold could possibly be viewed as teaching virtual images “of any kind” is not understood, and Applicants respectfully submit that the statement is inaccurate.

For these and other reasons discussed previously with regard to the independent claims, Applicants respectfully request that the rejection of claims 11 and 24 be reconsidered and withdrawn.

Dependent Claims 12 and 25 – Pending method and system claims 12 and 25 relate to providing a donation by credit card. The PTO rejected these in light of line 12 of paragraph [0010] of Costin, which it claims to disclose “a method, system and computer program further comprising the step of providing a payment option, wherein the payment option includes payment by a credit card.”

The fact that others have discussed that payment methods to be carried out over the Internet may include use of a credit card does not support the rejection of these claims, which also incorporate the limitations of the claims from which they depend, including virtual plaques, *etc.* For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 12 and 25 be reconsidered and withdrawn.

Dependent Claim 13 – Pending method claim 13 relates to providing a payment option, wherein the payment option includes payment by mail.

The PTO rejects this claim as well, citing line 20 of paragraph [0063] and line 7 of paragraph [0073] of Costin for the proposition that it “discloses a method, system and computer program further comprising the step of providing a payment option, wherein the payment option includes payment by mail.” In fact, however, these passages from Costin say exactly the opposite. Paragraph [0063] states that the Costin method allows organizations not to have “to accept pledges and rely on donors to remember to write and forward checks and to track donor’s pledges from time of pledge to time of receipt, typically via the mail” [paragraph 0063, lines 17-22]. Paragraph [0073], which refers to Figure 5, states only that “a donation receipt, such as for

tax reporting purposes or the like, may be enabled directly to the user's PC for printing at a remote user printer or may be sent by email, regular mail or other methods to the donor as desired." It says nothing about donor payments by mail. Thus, Costin does not teach of the limitations of Applicants' claim 13, as stated by the PTO.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claim 13 be reconsidered and withdrawn.

Dependent Claims 14 and 26 – The PTO admits that neither Costin nor Arnold disclose providing an installment payment option as recited in pending method and system claims 14 and 26. The PTO alleges, however, that Torres contains such a disclosure, citing line 3 of paragraph [0110], which references funding options for a funeral such as "electronic checks, credit purchases, payment plans, established trusts, prepayment incentives and insurance purchases." The statement in Torres about paying for a funeral over time cannot support the rejection of these claims. It says nothing about charitable giving, and the fact that others have discussed that Internet payment methods for a funeral may include use of a credit card does not support the rejection of these claims. Additionally, Torres does not address the limitations of the claims from which claims 14 and 26 depend, including virtual plaques, *etc.*

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 14 and 26 be reconsidered and withdrawn.

Dependent Claims 15 and 27 – Pending method and system claims 15 and 27 recite that the "organization" to which a donation may be made is a "charitable organization," and the PTO rejects these claims on reference to Costin, which, says the PTO, discloses "a method, system and computer program wherein the organization is a charitable organization" at line 2 of paragraph [0002].

Paragraph [0002], the first paragraph in the Background section of Costin, states, “Sophisticated companies employ cause marketing which combines advertising and charitable giving by merging their business activity with a relevant cause through advertising, marketing and charitable giving for mutual gain.” It is not understood how the reference to “cause marketing” supports a rejection of claims 15 and 27.

Additionally, it does not address the limitations of the claims from which claims 15 and 27 depend, including virtual plaques, *etc.*, and, for these and other reasons discussed above, Applicants respectfully request that the rejection of claims 15 and 27 be reconsidered and withdrawn.

Dependent Claims 16 and 35 – Pending method and system claims 16 and 35 recite that the “organization” to which a donation may be made is a “political action committee.”

The PTO rejects these claims on reference to Costin, which the PTO says discloses “a method, system and computer program wherein the organization is a political campaign” in paragraph [0003]. Paragraph [0003] is in the Background section of Costin, and simply refers to Senator John McCain’s web site as having raised “\$2.5 million in web donations (\$15,000 per hour) and signed up 40,000 volunteers”:

[0003] Cause marketing is a burgeoning segment as demonstrated by the 328% increase in cause program spending from 1990 to 1997 (Cone/Roper Report 1999). In 1998, corporate America spent \$285 billion on marketing and advertising while individuals donated \$175 billion to charities in the U.S. The convergence of these two markets represents significant opportunity for an Internet-based Cause Marketing firm such as ours. Today, online fundraising is exploding as recently demonstrated by Presidential candidate John McCain’s web site after the New Hampshire primary. In the two weeks following his victory, the campaign site took in \$2.5 million in web donations (\$15,000 per hour) and signed up 40,000 volunteers.

The Costin Detailed Description, at paragraph [0066], refers to two fundraising campaigns for “Little League baseball” and “American Youth Soccer.” Costin contains no mention of a

political action committee, and the fact that others have referred to obtaining money via a web site for a political campaign does not support the rejection of these claims, which also incorporate the limitations of the claims from which they depend, including virtual plaques, *etc.*

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 16 and 35 be reconsidered and withdrawn.

Dependent Claims 17 and 36 – Pending method and system claims 17 and 36 recite that the “organization” to which a donation may be made is a “political organization.”

The PTO rejects these claims, again on reference to paragraph [0003] of Costin, which the PTO says discloses “a method, system and computer program wherein the organization is a political campaign.” The PTO admits that none of Costin, Arnold or Torres disclose a method, system, computer program where the organization is a “political organization,” but alleges that it would have been obvious “to use the disclosures of Costin’s cause marketing principles and to combine the teachings Costin, Arnold and Torres with the increasingly successful online political campaign fundraisers of the 1990’s to apply these teachings to the computer automated online fundraising campaign of a political organization.” Costin’s “cause marketing principles” have nothing to do with Applicants’ inventions, and the fact that John McCain obtained money via his web site does not support the rejection of these claims, which also incorporate the limitations of the claims from which they depend, including virtual plaques, *etc.*

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 17 and 36 be reconsidered and withdrawn.

Dependent Claims 18 and 37 – Pending method and system claims 18 and 37 recite, “one or more of the virtual plaques and/or the updated virtual plaques is created on a web page containing an image of a book.”

The PTO admits that neither Costin nor Torres “disclose a method, system, computer program wherein one or more of the virtual plaques and/or the updated virtual plaques is created on a web page containing an image of a book.” According to the PTO, however, Arnold discloses “virtual images of any kind,” and alleges that it would have been obvious to combine the disclosures of Costin, Torres and Arnold to establish “a computer-based relationship” between a “site which displays a book and a fundraising campaign.” This rejection is not understood. As noted above, it is not understood how Arnold could possibly be viewed as teaching virtual images “of any kind,” and Applicants respectfully submit that the statement is inaccurate. Furthermore, none of the documents cited by the PTO contains any teaching or suggestion regarding virtual plaques or updated virtual plaques, or plaques of any sort, let alone virtual plaques and book images. Thus, even if the documents were combined as suggested by the PTO, the result is not the inventions of either of claims 18 and 37 and the rejection cannot stand for this reason alone.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 18 and 37 be reconsidered and withdrawn.

Dependent Claims 19 and 38 – Pending method and system claims 19 and 38 recite, “one or more of the virtual plaques and/or the updated virtual plaques is created on a web page containing an image of an art work.”

The PTO admits that neither Costin nor Torres “disclose a method, system, computer program wherein one or more of the virtual plaques and/or the updated virtual plaques is created

on a web page containing an image of an art work.” According to the PTO, however, Arnold discloses “virtual images of any kind,” and alleges that it would have been obvious to combine the disclosures of Costin, Torres and Arnold to establish “a computer-based relationship” between a “site which displays art work and a fundraising campaign.” As with the above rejection of claims 18 and 37, this rejection is not understood. It is not understood how Arnold could be viewed as teaching virtual images “of any kind” and, plainly, it does not. Furthermore, none of the documents cited by the PTO contains any teaching or suggestion regarding virtual plaques or updated virtual plaques, or plaques of any sort, let alone virtual plaques and art work images. Additionally, Applicants’ claims are not directed to establishing a relationship, computer-based or otherwise, between a web site displaying art work and a fundraising campaign. Thus, even if the documents were combined as suggested by the PTO, the result is not the inventions of either of claims 19 and 38 and the rejection cannot stand for this reason alone.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 19 and 38 be reconsidered and withdrawn.

Dependent Claim 28 – Pending claim 28, which depends from independent system claim 20, provides that “one or more virtual plaques and/or updated virtual plaques is sent to a recipient and the system further comprises means for allowing the recipient to make donations, receive new virtual plaques, and re-forward the new virtual plaques to others.”

The PTO admits that neither Costin nor Torres “disclose personal plaques.” However, says the PTO, Arnold discloses “virtual images of any kind,” and alleges that it would have been obvious to combine the disclosures of Costin, Torres and Arnold to “arrange for the recipient of virtual plaques to receive new virtual plaques . . . to further promote giving . . . [by] publicizing

the donor's donations." Given that there is no disclosure of preparing "plaques" in any of Costin, Torres or Arnold, there is absolutely no basis for the PTO's conclusion that it would have been obvious to arrange for the receipt of new plaques, and the rejection cannot stand.

Additionally, Arnold does not teach virtual images "of any kind" and, even if it did, it could not possibly support an argument for alleged obviousness of a feature that is nowhere found in any of the cited art, as admitted by the PTO. Additionally, there is no basis in any of the cited documents regarding "publicizing the donor's donations." Indeed, both Costin and Torres teach away from publication of user information. Furthermore, even if the documents were combined as suggested by the PTO, the result is not the invention of claim 28 and the rejection cannot stand for this reason alone.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claim 28 be reconsidered and withdrawn.

Dependent Claim 33 – Pending system claim 33 provides that one or more of the virtual plaques and/or updated virtual plaques in the system of claim 32 "is located on the personalized donation page."

The PTO admits that neither Costin nor Torres disclose "virtual images of any kind," but alleges that Arnold does. According to the PTO, "locating a virtual plaque or image such as a virtual plaque . . . is an inherent capability [of] Windows," and it would have been obvious to combine the disclosures of Costin, Torres and Arnold to "locate a virtual plaque on the personalized donation page of claim 32 [*sic*] . . . for establishing a computer-based relationship between a content-rich site [*sic*]."

Given that there is no disclosure of preparing "plaques" in any of Costin, Torres or Arnold, there is no basis for the PTO's conclusion that it would have been obvious to arrange for

plaques on a personalized donation page, and the rejection cannot stand. Additionally, Arnold does not teach virtual images “of any kind” and, even if it did, it could not support an argument for alleged obviousness of the placement of a feature that is nowhere found in any of the cited art, as admitted by the PTO. Additionally, as noted above, there is no basis for alleging the obviousness of an invention based on assertions of the “inherent capability” of an operating system such as Windows. Even if the documents were combined as suggested by the PTO, furthermore, the result is not the invention of claim 33 and the rejection cannot stand for this reason alone.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claim 33 be reconsidered and withdrawn.

Dependent Claim 40 – Pending claim 40 recites that the system of independent claim 39 further comprises “means for editing the one or more virtual plaques and/or updated virtual plaques.”

At page 6 of the Office Action, the PTO alleges, “Costin, Arnold and Torres disclose a system as recited in claim 39, further comprising a means for editing the one or more virtual plaques and/or updated virtual plaques (Editing of the virtual images such as virtual plaques being an inherent capability available offered [*sic*] by an operating system such as Microsoft Windows).”

As acknowledged by the PTO, there is no disclosure of preparing “plaques” in any of Costin, Torres or Arnold. Accordingly, there is no basis for the PTO’s conclusion that it would have been obvious to arrange for editing virtual plaques and/or updated virtual plaques, and the rejection cannot stand. Additionally, as noted above, there is no basis for alleging the obviousness of an invention based on assertions of the “inherent capability” of an operating

system such as Windows. Furthermore, even if the documents were combined as suggested by the PTO, the result is not the invention of claim 40 and the rejection cannot stand for this reason alone.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claim 40 be reconsidered and withdrawn.

Dependent Claim 44 – Pending method claim 44 depends from claim 1 and states “the step of updating the one or more virtual plaques when a donation is made comprises the step of adding information about the donor and/or the donor’s contribution to the one or more virtual plaques.”

The PTO alleges at page 6 of its December 1, 2004 Office Action that, “Costin disclose [sic] a method, system and computer program wherein the step of updating the one or more virtual plaques when a donation is made comprises the step of adding information about the donor and/or the donor’s contribution to the one or more virtual plaques (Modifying is an inherent capability in an operating system such as Windows)” (emphasis added).

As acknowledged by the PTO, there is no disclosure of preparing “plaques” in Costin, or any other documents cited by the PTO. Accordingly, there is no basis for the PTO’s conclusion that it would have been obvious to arrange for updating virtual plaques and/or updated virtual plaques when a donation is made, and the rejection cannot stand. Additionally, as noted above, there is no basis for alleging the obviousness of an invention based on assertions of the “inherent capability” of an operating system such as Windows. Furthermore, therefore, even if the documents were combined as suggested by the PTO, the result is not the invention of claim 44 and the rejection cannot stand for this reason alone.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claim 44 be reconsidered and withdrawn.

Dependent Claim 45 – Pending method claim 45 also depends from claim 1 and states “the step of updating the one or more virtual plaques when a donation is made comprises the step of creating a new virtual plaque having information about the donor and/or the donor’s contribution.”

The PTO admits that Costin does not disclose updating one or more virtual plaques when a donation is made comprising the step of creating a new virtual plaque having information about the donor and/or the donor’s contribution. However, says the PTO, Arnold discloses “displaying one or more pages with virtual displays or pages,” and Torres discloses “updating web page related information and databases.” Thus, the PTO alleges, it would have been obvious to combine the disclosures of Costin, Torres and Arnold “for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.”

Given that there is no disclosure of virtual plaques in any of Costin, Torres or Arnold, there is no basis for the PTO’s conclusion that it would have been obvious to create new plaques, and the rejection cannot stand. Additionally, no limitations of the pending claims are discussed or addressed in this conclusion about “efficient, content-rich and flexible” methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the combination of Costin, Arnold and Torres. Furthermore, Applicants do not understand the import of the statement that Arnold teaches “displaying” pages with “displays or pages” and, in any event, it is of no significance that Internet web pages are displayed on computer screens. Arnold does not support the PTO’s rejection of claim 45. Furthermore, even if the documents were combined as suggested by the PTO, the result is not the invention of claim 45.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claim 45 be reconsidered and withdrawn.

Dependent Claim 46 – Pending method claim 46 also depends from claim 1 and states “the step of updating the one or more virtual plaques occurs only after the organization has received the donation.”

At page 7 of its Office Action the PTO admits that Costin does not disclose updating one or more virtual plaques only after the organization has received the donation. However, based on its assertions that Arnold discloses “displaying one or more pages with virtual displays or pages,” and Torres discloses “updating web page related information and databases,” the PTO alleges that it would have been obvious to combine the disclosures of Costin, Torres and Arnold “and to choose to update the one or more virtual plaques only after the organization has received the donation for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.”

Given that there is no disclosure of virtual plaques in any of Costin, Torres or Arnold, there is no basis for the PTO’s conclusion that it would have been obvious to update a virtual plaques at any time, let alone “only after the organization has received the donation,” and the rejection cannot stand. Additionally, no limitations of the pending claims are discussed or addressed in this conclusion about “efficient, content-rich and flexible” methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the combination of Costin, Arnold and Torres. As noted above, the notion that Arnold teaches “displaying” pages with “displays or pages” is of no significance. Arnold does not support the PTO’s rejection of claim 46. Furthermore, even if the documents were combined as suggested by the PTO, the result is not the invention of claim 46.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claim 46 be reconsidered and withdrawn.

Dependent Claims 55-58 – Pending method claims 55 and 58 state “the updating step occurs at the time of a donation.” Pending system claims 56 and 57 state “the updating means comprises means for updating the one or more virtual plaques on the web pages at the time of a donation.”

The PTO admits that neither Costin nor Arnold disclose updating one or more virtual plaques at the time of a donation. However, based on its assertions that Torres discloses “updating web page related information and databases,” the PTO alleges that it would have been obvious to combine the disclosures of Costin, Torres and Arnold “to choose to update at the time of donation for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.”

Given that there is no disclosure of virtual plaques in any of Costin, Torres or Arnold, the PTO’s conclusion that it would have been obvious to update a virtual plaque at any time, let alone “at the time of a donation,” cannot stand. Additionally, no limitations of the pending claims are discussed or addressed in this conclusion about “efficient, content-rich and flexible” methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the cited documents. Additionally, the notion that Torres discloses “updating web page related information and databases” is of no significance and does not support the PTO’s rejection of any of claims 55-58. Furthermore, even if the documents were combined as suggested by the PTO, the result is not the invention of any of these claims.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 55-58 be reconsidered and withdrawn.

Applicants now address the PTO's rejections of claims 47-72, added in Applicants' August 23, 2004 Response.

Independent Claims 47 and 51 – Pending method claim 47 comprises the steps of providing a website dedicated to the organization; enabling donations to be made to the organization via the website; displaying one or more virtual plaques on the website, the one or more virtual plaques including information honoring donors to the organization; and updating the one or more virtual plaques to include new donor information when a donation is made to the organization.

Pending system claim 51 recites a fundraising system for an organization over a wide-area network, comprising a website dedicated to the organization; means for enabling donations to be made to the organization via the website; one or more virtual plaques on the website, the one or more virtual plaques including information honoring donors to the organization; and means for updating the one or more virtual plaques to include new donor information when a donation is made to the organization.

The PTO admits at page 8 of the Office Action that Costin does not disclose virtual plaques, honoring donors, or updating virtual plaques. However, as it did in discussing the patentability of independent claims 1, 20, 39, 42 and 43, the PTO relies on the assertions that Arnold discloses “displaying one or more web pages with virtual displays or pages” (citing line 1 of the Abstract, and lines 37-41 and 64-66 of column 7) and that Torres discloses “honoring people, in this case, loved ones” and “updating web page related information and databases” (citing paragraphs [0003] line 10, [0042] line 6, and [0103] line 2). Based on these citations, the

PTO concludes that it would have been obvious to combine the disclosures of Costin, Torres and Arnold “for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.”

Given that there is no disclosure of virtual plaques in any of Costin, Torres or Arnold, and for reasons noted above in Applicants’ response to the rejection of independent claims 1, 20, 39, 42 and 43, neither Costin nor the cited portions of Arnold and Torres support the PTO’s view. Additionally, no limitations of the pending claims are discussed or addressed in the PTO’s conclusion about “efficient, content-rich and flexible” methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the cited documents.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 47 and 51 be reconsidered and withdrawn.

As a matter of law, none of the rejections of the claims depending from independent claims 47 and 51, which contain further limitations, can stand. Nevertheless, each of these dependent claim rejections is further addressed below.

Dependent Claims 48 and 52 – Pending claim 48 (which depends from independent method claim 47) and pending claim 52 (which depends from independent system claim 51) provide that “the one or more virtual plaques comprises a plurality of virtual plaques, with each virtual plaque honoring a specific donor,” and that “the means for updating the one or more virtual plaques comprises means for creating a new virtual plaque honoring the new donor.”

At page 8 of the Office Action the PTO admits that Costin does not disclose one or more virtual plaques comprising a plurality of virtual plaques, with each virtual plaque honoring a specific donor, or updating the one or more virtual plaques by creating a new virtual plaque

honoring the new donor. According to the PTO, however, Arnold discloses “a method, system, and computer program wherein the one or more virtual plaques comprises a plurality of virtual plaques.” In view of Torres, the PTO alleges that it would have been obvious to combine Costin, Torres and Arnold “wherein the step of updating the one or more virtual plaques comprises the step of creating a new virtual plaque honoring the new donor for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.”

Given that there is no disclosure of virtual plaques in any of Costin, Torres or Arnold, the PTO’s conclusion that it would have been obvious to create a new virtual plaque at any time, let alone for a new donor, cannot stand. Additionally, no limitations of the pending claims are discussed or addressed in this conclusion about “efficient, content-rich and flexible” methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the cited documents. Additionally, the notion that Torres discloses “honoring people” has been rebutted. The statement that Torres discloses “updating web page related information and databases” is of no significance and does not support the PTO’s rejection. Additionally, even if the documents were combined as suggested by the PTO, the result is not the invention of any of these claims.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 48 and 52 be reconsidered and withdrawn.

Dependent Claims 49 and 53 – Pending method and system claims 49 and 53 refer to “a single virtual plaque honoring the donors” and updating the single virtual plaque by “adding the new donor information to the single virtual plaque.”

At page 9 of the Office Action the PTO admits that Costin does not disclose a method, system, and computer program wherein one or more virtual plaques comprises a single virtual plaque, or updating the virtual plaque by adding new donor information to the virtual plaque. According to the PTO, however, it has rejected claims 49 and 53 on the allegation that Arnold discloses “displaying a single virtual plaque on a web site” and Torres discloses “honoring people, in this case, donors to the organization” and “updating web page related information and databases” (citing paragraphs [0003] line 10, [0042] line 6, and [0103] line 2).

Arnold, however, discloses no such thing. Arnold says nothing about plaques, virtual or otherwise. The Torres funeral planning application does not relate in any way to, let alone disclose, donors to an “organization.”

Given that there is no disclosure of virtual plaques in any of Costin, Torres or Arnold, the PTO’s conclusion that it would have been obvious to create “a single virtual plaque honoring the donors” and update a single virtual plaque by “adding the new donor information to the single virtual plaque,” cannot stand.

Additionally, no limitations of the pending claims are discussed or addressed in the PTO’s further conclusion about “efficient, content-rich and flexible” methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the cited documents.

The notion that Torres discloses “honoring people” has been rebutted. The further statement that Torres discloses “updating web page related information and databases” is of no significance and does not support the PTO’s rejection.

Additionally, even if the documents were combined as suggested by the PTO, the result is not the invention of any of these claims.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 49 and 53 be reconsidered and withdrawn.

Dependent Claims 50 and 54 – Pending method and system claims 50 and 54 recite, “the wide-area network comprises the Internet.”

The PTO rejects these claims, citing lines 12-14 of paragraph [0008] of Costin for the proposition that it “discloses a method, system and computer program wherein the wide-area network comprises the Internet.” As noted above, the fact that others have discussed methods to be carried out over the Internet does not support the rejection of these claims, which incorporate the limitations of the claims from which they depend.

For this reason, and those discussed above with regard to the pending independent claims, Applicants respectfully request that the rejection of claims 50 and 54 be reconsidered and withdrawn.

Dependent Claims 59 and 60 – Pending dependent claims 59 (method) and 60 (system) refer to updating virtual plaque(s) “at the time of a donation.”

The PTO admits that neither Costin nor Arnold disclose updating one or more virtual plaques at the time of a donation. However, based on the assertion that Torres discloses “updating web page related information and databases,” the PTO alleges that it would have been obvious to combine the disclosures of Costin, Torres and Arnold “to chose to update at the time of donation for the purpose of providing an efficient, content-rich and flexible method for establishing a web site for collecting charitable donations.”

Given that there is no disclosure of virtual plaques in any of Costin, Torres or Arnold, the PTO’s conclusion that it would have been obvious to update a virtual plaque at any time, let alone “at the time of a donation,” cannot stand. Additionally, no limitations of the pending

claims are discussed or addressed in this conclusion about “efficient, content-rich and flexible” methods, and it does not identify any inventions of the pending claims would allegedly have been made obvious by the cited documents. Additionally, the notion that Torres discloses “updating web page related information and databases” is of no significance and does not support the PTO’s rejection. Even if the documents were combined as suggested by the PTO, furthermore, the result is not the invention of any of these claims.

For these and other reasons discussed above, Applicants respectfully request that the rejection of claims 59 and 60 be reconsidered and withdrawn.

§ 103 Rejections - Claims 7, 34 and 61-68

Claims 7, 34, and 61-68 were rejected under § 103(a) over Costin in view of Arnold and Torres, and further in view of Froseth.

Dependent Claims 7 and 34 – Pending method and system claims 7 and 34 recite “broadcasting one or more of the virtual plaques and/or the updated virtual plaques on television.” The PTO admits that none of Costin, Arnold or Torres discloses broadcasting virtual plaques and/or updated virtual plaques on television. According to the PTO, however, Froseth “discloses a method and system comprising the step of broadcasting the virtual plaque on television,” citing line 23 of paragraph [0086]. The PTO concludes that it would have been obvious to combine the disclosures of Costin, Torres, Arnold and Froseth to provide a system that “makes use of varied computer automated media for reaching potential donors to lead prospects to a web site for collecting charitable donations.”

Applicants respectfully traverse the Examiner’s rejections for at least the following reasons. Given the admission that there is no disclosure of virtual plaques in any of Costin, Torres, Arnold, or Froseth, the PTO’s conclusion that it would have been obvious to broadcast a

virtual plaque on television cannot stand. Paragraph [0086] of Torres states that a customer may communicate about a customized food order over a television. It does not state that the food order would be broadcast on television. Additionally, the relationship between television and “varied computer automated media” is not understood, and does not support the PTO’s rejection. Given the lack of any teaching for suggestion regarding virtual plaques, furthermore, even if the documents were combined as suggested by the PTO, the result is not the invention of any of these claims. For at least these and other reasons noted above, Applicants respectfully request that the rejections of claims 7 and 34 under 35 USC § 103(a) be reconsidered and withdrawn.

Dependent Claims 61-68 – Pending method and system claims 61, 63, 65 and 67 state that a “donor may choose the words and/or language inscribed in a virtual plaque.” Pending method and system claims 62, 64, 66 and 68 state that “a donor may choose the words and/or language inscribed in a virtual plaque and is further able to modify the virtual plaque at a later time.”

The PTO admits that neither Costin nor Arnold and Torres disclose a method, system, and computer program wherein a donor may choose the words and/or language inscribed in a virtual plaque. The PTO also admits that neither Costin nor Arnold and Torres disclose a method, system, and computer program wherein a donor may choose the words and/or language inscribed in a virtual plaque and is further able to modify the virtual plaque at a later time. However, based on the assertion that Froseth discloses “a consumer/customer the opportunity [sic] to customize their choice of a product on line (p. 12 [134]),” the PTO alleges that it would have been obvious to “translate the giving of choice to a customer to the giving of choice of various kinds to a donor, such as the choice of words and/or language inscribed on a virtual plaque . . .” The PTO bases its rejection on the assertion that “choices are well known in the

world of motivating and receiving donations” (December 1, 2004 Office Action, page 11). The PTO refers to such choices as “the naming of a building, a program or even a seat to which the donor has contributed financially or otherwise.”

As noted at the interview, there is little relationship between Applicants’ inventions, virtual plaques, and the naming of a building, a program, or a seat. The naming of a building, a program or a seat is reserved for substantial, high-end donors and donations. Applicants’ inventions are not. Given that there is no disclosure of virtual plaques in any of Costin, Torres, Arnold or Froseth, furthermore, the PTO’s conclusion that the inventions of claims 61-68 would have been obvious cannot stand. Even if the documents were combined as suggested by the PTO, the result is not the invention of any of these claims.

For these and other reasons discussed above, including the fact that virtual plaques differ from donation acknowledgements in the nature of preprinted forms received privately in the mail, as opposed to virtual plaques made public via, for example, the Internet, and in which the choice of the form of acknowledgment may be left to the donor, Applicants respectfully request that the rejection of claims 61-68 be reconsidered and withdrawn.

§ 103 Rejections - Claims 69-72

Claims 69-72 were rejected under § 103(a) over Costin in view of Arnold and Torres, as applied to claims 47 and 51, and further in view of Froseth. Pending claim 69 is directed to the method as recited in claim 47, “wherein a donor may choose the words and/or language inscribed in a virtual plaque.” Pending claim 70 is directed to the method of claim 47, “wherein a donor may choose the words and/or language inscribed in a virtual plaque and is further able to modify the virtual plaque at a later time.” Pending claims 71 and 72 are similar, but depend from the system as recited in claim 51.

The PTO admits that neither Costin nor Arnold and Torres disclose a method, system, and computer program wherein a donor may choose the words and/or language inscribed in a virtual plaque, or where a donor may choose the words and/or language inscribed in a virtual plaque and is further able to modify the virtual plaque at a later time.

However, based on the assertion that Froseth discloses “a consumer/customer the opportunity [*sic*] to customize their choice of a product on line (p. 12 [134]),” the PTO alleges that it would have been obvious to “translate the giving of choice to a customer to the giving of choice of various kinds to a donor, such as the choice of works and/or language inscribed on a virtual plaque” Again, as with the rejection of claims 61-68, the PTO bases its rejection on the assertion that “choices are well known in the world of motivating and receiving donations” (December 1, 2004 Office Action, page 11), referring to such choices as “the naming of a building, a program or even a seat to which the donor has contributed financially or otherwise.”

For reasons noted above with regard to the rejection of claims 61-68, Applicants submit that there is little relationship between Applicants’ inventions, virtual plaques, and the naming of a building, a program, or a seat, or other so-called “choices.” While the naming of a building, a program or a seat is reserved for high-end donations, Applicants’ inventions are not. Given the lack of any disclosure relating to virtual plaques in any of Costin, Torres, Arnold or Froseth, furthermore, the PTO’s conclusion that the inventions of claims 69-72 would have been obvious cannot stand. Even if the documents were combined as suggested by the PTO, the result is not the invention of any of the rejected claims.

For these and other reasons discussed above, including the fact that virtual plaques differ from donation acknowledgements in the nature of preprinted forms received privately in the mail, as opposed to virtual plaques made public via, for example, the Internet, and in which the

choice of the form of acknowledgment may be left to the donor, Applicants respectfully request that the rejection of claims 69-72 be reconsidered and withdrawn.

CONCLUSION

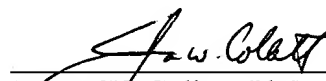
Applicants respectfully submit that all pending claims are in condition for allowance and requests that all rejections be reconsidered and withdrawn.

The Examiner is invited to contact Applicants' undersigned Representative if it is believed that prosecution may be furthered thereby.

The Commissioner is hereby authorized to charge any fee due in connection with this submission to Deposit Account No. 04-1679.

Respectfully Submitted

Dated: April 29, 2005

By: 
James W. Collett, Ph.D.
Registration No. 46,636
Attorney for Applicants

101 West Broadway, Suite 900
San Diego, CA 92101
ph: (619) 744-2200
fx: (619) 744-2201